

**REMARKS**

The Office Action dated December 23, 2005 has been carefully considered. Claims 1-3 and 5-26 are pending. The above amendments and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Claims 1, 5, 14, 17, 18 and 25 have been amended and Claim 4 has been cancelled in this Response. Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 1, 4, 6-7 and 17 stand rejected under 35 U.S.C. § 102(e) in view of U.S. Patent 6,771,623 to Ton ("Ton"). Insofar as these rejections may be applied against the amended claims, they are deemed overcome. Claim 4 has been cancelled in this Response. Applicants submit that the rejection of Claim 4 is moot.

Claim 1 has been amended to clarify a distinguishing feature of the claimed invention. The method of Claim 1 describes "receiving an access request message indicating a request for mobile IP services, *wherein the access request message indicates dynamic home agent assignment*; [and] assigning the home agent from a pool of available home agents *by selecting a preferred home agent*." Support for this amendment can be found, among other places, page 7, lines 3-14 of the original Application.

The Ton reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Ton discloses a method to balance data communications load information in a network using dynamic load balancing and a method to recover from home agent failure. In this method the mobile node first attempts to register with its primary home agent. If registration is not completed due to failure of the primary home agent, or where the network chooses to register with another

home agent which has a lower load than the primary home agent, then the mobile node attempts to register with the alternate home agent. Accordingly, in Ton dynamic home agent assignment can be achieved if the primary home agent is busy or has failed for some other reason or if the network decides to alternate to another home agent because this other home agent has a lower load.

In the claimed invention, an access request message is received that indicates "dynamic home agent assignment." This means that the mobile station is requesting a dynamic home agent assignment. The home authentication, authorization, and accounting server ("HAAA") is responsible for making the dynamic home agent assignment in response to an access request message that indicates a "dynamic home agent assignment." Therefore, the HAAA chooses a home agent with a lower load to provide mobile internet protocol ("MIP") services. In Ton the mobile node does not request a dynamic home agent assignment, and consequently, the primary home agent or the network must determine whether dynamic home agent assignment is necessary. As shown in Fig. 3 of Ton, the request message is forwarded to the primary home agent and the home agent determines if it is too busy, and then forwards the request message information to another home agent. Ton does not disclose providing an access request message that indicates "dynamic home agent assignment." By indicating a request for dynamic home agent assignment within the access request message, the claimed invention operates more efficiently than Ton.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach or suggest the unique combination now recited in amended Claim 1. Applicants therefore submit that amended Claim 1 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 102(e) in view of Ton be withdrawn and that amended Claim 1 be allowed.

Claims 6-7 depend upon and further limit amended Claim 1. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of dependent Claims 6-7 also be withdrawn.

Claim 17 has been amended to clarify the same distinguishing feature as amended Claim 1. Specifically, the apparatus of Claim 17 comprises “means for receiving an access request message indicating a request for mobile IP services, *wherein the access request message indicates dynamic home agent assignment*; [and] means for assigning the home agent from a pool of available home agents *by selecting a preferred home agent*.” Hence, for at least the aforementioned reasons that Claim 1 is deemed to be allowable amended Claim 17 should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejection of Claim 17 under 35 U.S.C. § 102(e) in view of Ton be withdrawn and that amended Claim 17 be allowed.

Claims 14 and 25 stand rejected under 35 U.S.C. § 102(e) in view of U.S. Patent 6,795,705 to Warriar et al. (“Warrior”). Insofar as these rejections may be applied against the amended claims, they are deemed overcome.

Claim 14 has been amended to clarify a distinguishing feature of the claimed invention. Specifically, the method of Claim 14 describes “*receiving an access request message indicating a request for mobile IP services, wherein the access request message indicates dynamic home agent assignment; and assigning the home agent from a pool of available home agents by selecting a preferred home agent from the available home agents*.” Support for this amendment can be found, among other places, page 7, lines 3-14 of the original Application.

The Warriar reference does not teach, suggest, or disclose this feature of the present invention. Specifically, Warriar discloses a system for providing redundant home agents. A home

agent control node is coupled to the plurality of home agents and contains a detector for determining a failure in any of the plurality of home agents. In contrast with Warriar, the claimed invention receives an access request message indicating a dynamic home agent assignment and then assigns the home agent by selecting a preferred home agent. This feature of the present invention is clearly not disclosed in Warriar. The ability to dynamically assign a home agent provides the claimed invention a distinct advantage over Warriar because the method of amended Claim 14 is more efficient for load balancing.

In view of the foregoing, it is apparent that the cited reference does not disclose, teach, or suggest the unique combination now recited in amended Claim 14. Applicants therefore submit that amended Claim 14 is both clearly and precisely distinguishable over the cited reference in a patentable sense. Accordingly, Applicants respectfully request that the rejection of Claim 14 under 35 U.S.C. § 102(e) in view of Warriar be withdrawn and that amended Claim 14 be allowed.

Claim 25 has been amended to clarify the same distinguishing feature as amended Claim 14. Specifically, the apparatus of Claim 25 comprises “*means for receiving an access request message indicating a request for mobile IP services, wherein the access request message indicates dynamic home agent assignment; and means for assigning the home agent from a pool of available home agents by selecting a preferred home agent from the available home agents.*” Hence, for at least the aforementioned reasons that Claim 14 is deemed to be allowable, amended Claim 25 should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejection of Claim 25 under 35 U.S.C. § 102(e) in view of Warriar be withdrawn and that amended Claim 25 be allowed.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) in view of Ton and U.S. Patent 6,785,823 to Abrol et al. ("Abrol"). Insofar as these rejections may be applied against the amended claims, they are deemed overcome.

Claims 2 and 3 depend upon and further limit amended Claim 1. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of Claims 2 and 3 under 35 U.S.C. § 103(a) in view of Ton and Abrol be withdrawn and that Claims 2 and 3 be allowed.

Claims 5 and 18-20 stand rejected under 35 U.S.C. § 103(a) in view of Ton and "Design and Analysis of a Replicated Server Architecture for Supporting IP Host Mobility" to Juv et al. ("Juv"). Insofar as these rejections may be applied against the amended claims, they are deemed overcome.

Claim 5 depends upon and further limits amended Claim 1. Claims 18-20 depend upon and further limit amended Claim 17. Hence, for at least the aforementioned reasons, these Claims should be deemed to be in condition for allowance. Accordingly, Applicants respectfully request that the rejections of Claims 5 and 18-20 under 35 U.S.C. § 103(a) in view of Ton and Juv be withdrawn and that Claims 5 and 18-20 be allowed.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-3 and 5-26.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 50-0605 of CARR LLP.

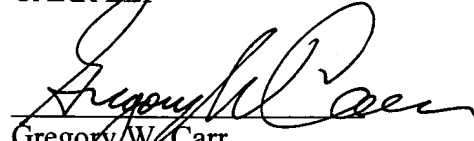
ATTORNEY DOCKET NO.  
14213RR (NORTH 2285003)

PATENT APPLICATION  
SERIAL NO. 09/989,599

Should the Examiner deem that any further amendment is desirable to place this Application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP

  
Gregory W. Carr  
Reg. No. 31,093

Dated: 3/22/06  
CARR LLP  
670 Founders Square  
900 Jackson Street  
Dallas, Texas 75202  
Telephone: (214) 760-3030  
Fax: (214) 760-3003